THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13838 of 2002

Oral order:

The petitioner, aggrieved by the inaction of the respondents in taking action on the representation of the petitioner as well as the Association and proposing to retire him from service, as illegal and arbitrary, has filed this writ petition.

It is the case of the petitioner that she being a Sweeper, is entitled to continue in service up to the age of 60 years, but the respondent No.3-College in issuing proceedings dated 10.05.2002, and retiring her from service w.e.f. 31.07.2002 on attaining the age of superannuation of 58 years, is illegal and arbitrary.

Respondent No.3 filed counter. The learned counsel appearing on behalf of respondent No.3 submitted that the college is governed by its own bye-laws and terms and conditions of appointment. All the employees working in the college are retired on attaining the age of 58 years and this is as per Clause 15 in Chapter-V of the College Administrative Manual, and the petitioner can be no exception. As the petitioner is to attain 58 years, she was informed that she would be retired on the appointed day, and no exception can be taken thereto.

Heard the learned counsel for the petitioner as also the counsel appearing on behalf of the other respondents.

The petitioner is a Sweeper in respondent No.3-College. It is the case of respondent No.3 that it is governed by its own by-laws and terms and conditions of appointment, and it is their further case that all the employees of the college are retired on attaining the age of 58 years. The petitioner, having accepted the terms and conditions of the college, now cannot contend that she is entitled to be continued up to the age of 58 years. Reliance placed by the petitioner on Circular Memo No. E4/17783/98, dated 27.06.1998, issued by the Commissioner of Technical Education, in support of her contention that she is entitled to continue up to the age of 60 years, is not applicable for the reason that the orders therein having been made applicable only to Teaching Staff of the Private Unaided Engineering Colleges, and the petitioner not being a Teaching Staff, cannot seek to place reliance on the said Circular. The other Circular, namely Circular No. E4/4164/99, dated 16.05.2000, issued by the Commissioner of Technical Education, is also of no assistance to the petitioner, for it merely makes applicable the PRC-99 to the staff working in Private Engineering Colleges. Therefore, no exception can be taken to the action of respondent No.3 in seeking to retire the petitioner from service on attaining the age of 58 years, which is as per Clause 15 of the Chapter-V of the College Administrative Manual.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 23.02.2006

KSR